

Attorney's Docket No. 5218-39C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Anagnostou, et al.

Serial No.: 09/525,808

Filed: March 15, 2000

For: *Method of Treating Endothelial Injury*

Group Art Unit: 1642

Examiner: A. Holleran

RECEIVED

FEB 15 2002

TECH CENTER 1600/2900

January 23, 2002

Commissioner for Patents
Washington, DC 20231

Response

This is in response to the Official Action of October 23, 2001.

Remarks

This is in response to the Official Action of October 23, 2001. The points raised therein are addressed below in the order originally set forth.

Claims 23-29 stand rejected as lacking written description or introducing new matter under the first paragraph of 35 USC 112, it being indicated that the specification does not recite the range of 100-200 U/Kg in connection with *in vivo* dosages. However, it is respectfully noted that the specification recites dosage ranges of "from about 100 U/kg to about 200 U/kg in the specification at page 13, lines 31-32. In view of this description, it is respectfully submitted that this rejection should be withdrawn.

Claims 16-22 stand rejected as anticipated under 35 USC 102(a) by Kuriyama et al. Kurahama et al. concerns the administration of erythropoietin to **pre-dialysis** patients. Kuriyama et al. note that "correcting anemia by rHuEPO therapy reduces an abnormally elevated Tm [thrombomodulin concentration] in predialysis patients" (see abstract therein). In contrast, the present invention concerns the treatment of endothelial injury caused by "mechanical damage, exposure to radiation, inflammation, heart disease or cancer, in a subject in need of such treatment." Hence, the patient population treated by the instant invention is different from the patient population treated by Kurahama et al., and the mechanism of action which Kuriyama is described is specifically concerned with renal anemia patients. Accordingly, it is respectfully submitted that these claims are neither anticipated nor rendered obvious

Re: Anagnostou, et al.
Serial No. 09/525,808
Filed: March 15, 2000
Page 2

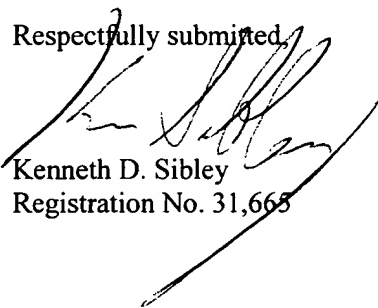
RECEIVED
FEB 15 2002
TECH CENTER 1600/2900

by Kuriyama et al., and respectfully submitted that this rejection should be withdrawn.

Claims 23-29 stand rejected as obvious over Kuriyama et al. It is respectfully submitted that this rejection is obviated for the same reasons as set forth above, and respectfully submitted that this rejection should be withdrawn.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,


Kenneth D. Sibley
Registration No. 31,665

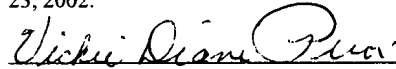


20792

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on January 23, 2002.


Vickie Diane Prior

Date of Signature: January 23, 2002

doc. 230105